

Serial No.: 09/786,611  
Examiner: H. Nguyen  
Title: AV DATA RECORDING APPARATUS AND METHOD.....  
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### REMARKS/ARGUMENTS

Reconsideration is requested in view of the following remarks. Claims 141-144 have been canceled without prejudice. Claims 51-53, 55-60, 62-63, 89-91, 93-98 and 100-101 are pending in the application. Applicants note that the Office Action Summary inadvertently identified canceled claim 88 as pending.

### Claim Rejections – 35 USC §101

Claims 141-144 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 141-144 have been canceled without prejudice, rendering this rejection now moot. Applicants do not concede the correctness of the rejection.

### Claim Rejections – 35 USC §102

Claims 141 and 143 are rejected under 35 U.S.C. §102(b) as anticipated by Moriyama (US 5,572,333). Claims 141 and 143 have been canceled without prejudice, rendering this rejection now moot. Applicants do not concede the correctness of the rejection.

### Claim Rejections – 35 USC §103

Claims 51-53 and 55-56 are rejected under 35 U.S.C. §103(a) as unpatentable over Nakatani et al. (US 6,118,924) in view of Moriyama. The method claims 88-91, 93 and 94 also were subjected to this rejection. Applicants respectfully traverse this rejection.

The invention of claims 51-53 and 55-56 and the invention of Nakatani et al. were, at the time the presently claimed invention was made, subject to an obligation of assignment to the same entity, i.e., Matsushita Electric Industrial Co., Ltd. Therefore, 35 U.S.C. §103(c) applies in the instant case; and Nakatani et al. cannot be used as a reference for an obviousness rejection against the present invention. Therefore, the rejection should be withdrawn. Applicants do not concede the correctness of the merits of the rejection.

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Claims 142 and 144 are rejected as obvious over Moriyama (US 5,572,333) in view of "official notice". Claims 142 and 144 have been canceled without prejudice, rendering this rejection now moot. Applicants do not concede the correctness of the rejection.

Claims 57-60, 62-63, 95-98 and 100-101 are allowed.

Favorable reconsideration in the form of a Notice of Allowance is requested. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone Applicants' primary attorney-of-record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.



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Dated: November 22, 2006

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